

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PENKO NAYDENOV,

Defendant.

No. 14-20533

District Judge Patrick J. Duggan

Magistrate Judge R. Steven Whalen

ORDER DENYING MOTION FOR BOND

Defendant Penko Naydenov is charged by information with use or control of a scanning receiver, in violation of 18 U.S.C. § 1029(a)(8). When he first appeared on a criminal complaint, he was released on a \$10,000 unsecured bond. On July 17, 2014, a petition requesting a bond violation hearing was submitted to Magistrate Judge David Grand, and a hearing was set for August 11, 2014. However, the hearing did not go forward. Instead Defendant enrolled in and completed inpatient substance abuse treatment at the Sacred Heart Rehabilitation Center. Defendant had previously been in treatment at Sacred Heart as a condition of bond, but left the facility without permission on three occasions to use heroin. He previously absconded from the facility and did not complete the treatment regimen.

Defendant appeared for arraignment on the information on September 8, 2014. At that time, Judge Grand continued bond with a “zero tolerance” condition regarding use of

heroin or other illegal controlled substances. Based on Defendant's subsequent use of heroin, in violation of his bond conditions, Judge Duggan cancelled bond and issued a warrant for Defendant's arrest on September 18, 2014. The Defendant was arrested on the warrant on October 20, 2014.

Before the Court at this time is Defendant's Motion for Bond [Doc. #31], which has been referred for hearing and determination pursuant to 28 U.S.C. § 636(b)(1)(A). A hearing was held on February 5, 2015. Having heard the arguments and proffers of counsel for the respective parties, and having considered the factors set forth in 18 U.S.C. § 3142(g), including Defendant's history of non-compliance with his conditions of bond and his serious and intractable heroin addiction, the Court finds that the government has carried its burden of showing by a preponderance of the evidence that there are no conditions or combinations thereof that will reasonably assure the Defendant's appearance as required, and has shown by clear and convincing evidence that there are no conditions or combinations thereof that will reasonably assure that Defendant will not be a danger to himself if released.

Therefore, for these reasons and the reasons stated on the record on February 5, 2015, Defendant's motion for bond [Doc. #31] is DENIED.

This order may be appealed *de novo* to the District Judge.

IT IS SO ORDERED.

s/R. Steven Whalen

R. STEVEN WHALEN

UNITED STATES MAGISTRATE JUDGE

Dated: February 9, 2015

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on February 9, 2015, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla

Case Manager